

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Case Verde Townhomes – Amend the Chase Groves PUD Master Plan and Third Amended and Restated Development Order; Rezone A-1 and PUD to PUD; Small Scale Land Use Amendment LDR to PD

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Tony Walter **CONTACT:** Brian Nelson **EXT.** 7430

Agenda Date 12/07/05

Regular ☐

Work Session ☐

Briefing ☐

Special Hearing – 6:00 ☐

Public Hearing – 7:00 ☒

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of a request to amend the Chase Groves PUD Master Plan and Third Amended and Restated Development Order; rezone approximately 2.78 ± acres, located on the south side of County Road 46 A between Lake Boulevard and Casa Verde Boulevard, from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development), and a Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development), based on staff findings, Preliminary Master Plan and the conditions in the attached Development Order (Oren Gabbai/Pinecrest Development, applicant); or
2. Recommend DENIAL of a request to amend the Chase Groves PUD Master Plan and Third Amended and Restated Development Order; rezone approximately 2.78 ± acres, located on the south side of County Road 46 A between Lake Boulevard and Casa Verde Boulevard, from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development), and a Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development), based on staff findings (Oren Gabbai/Pinecrest Development, applicant); or
3. CONTINUE the item to a time and date certain.

Reviewed by:
Co Atty: KL
DFS: _____
OTHER: _____
DCM: _____
CM: _____

File No. Z2005-050/08-05SS.01

District 5 – Commissioner Carey

Brian Nelson, Principal Coordinator

BACKGROUND:

The applicant is proposing to remove approximately 0.78 ± acres from the Chase Groves PUD to combine with the abutting 2.0 ± acres, which is not within the Chase Grove PUD. Both of these properties are under the same ownership and together form the subject 2.78 ± acre site. The applicant is also requesting a change in zoning from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development) and a Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development). The applicant intends to develop the property with twenty-four (24) townhomes at a net density of 10 units per net buildable acre.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request to amend the Chase Groves PUD Master Plan and Third Amended and Restated Development Order; rezone approximately 2.78 ± acres, located on the south side of County Road 46 A between Lake Boulevard and Casa Verde Boulevard, from A-1 (Agriculture) and PUD (Planned Unit Development), and a Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development), based on staff findings, the Preliminary Master Plan and the conditions in the attached Development Order.

Attachments:

Staff Analysis
Location Map
Future Land Use/Zoning Maps
Aerial Photograph
Preliminary Master Plan
Letter from Pinecrest Development Dated September 27, 2005
Letter from East Central Florida Regional Planning Council Dated September 3, 2003
Letter from Shutts & Bowen LLP Dated July 21, 2003
Chase Groves PUD Amended Development Order
Development Order
Rezone Ordinance
SSLUA Ordinance

CASA VERDE TOWNHOMES

Amendment to Chase Groves PUD

Rezone from A-1 and PUD to PUD

SSLUA from LDR to PD

APPLICANT	Pinecrest Development	
PROPERTY OWNER	Charles & Bernadette Hardwick	
REQUEST	Amend the Chase Groves PUD Master Plan Rezone from A-1 (Agriculture District) and PUD (Planned Unit Development to PUD (Planned Unit Development) Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development)	
PROPERTY SIZE	2.78 ± acres	
HEARING DATE (S)	P&Z: December 7, 2005	BCC: January 24, 2006
PARCEL ID	03-20-30-300-0100-0000 03-20-30-501-0300-0000	
LOCATION	South side of County Road 46 A between Lake Boulevard and Casa Verde Boulevard	
FUTURE LAND USE	LDR (Low Density Residential) and PD (Planned Development)	
ZONING	A-1 (Agriculture District) and PUD (Planned Unit Development)	
FILE NUMBER	Z2005-050	
COMMISSION DISTRICT	#5 – Carey	

PROPOSED DEVELOPMENT:

The applicant intends to develop the property with twenty-four (24) fee simple townhomes at a net density of 10 units per net buildable acre. Ingress/egress to the property will be from Casa Verde Boulevard.

ANALYSIS OVERVIEW:

HISTORICAL OVERVIEW

In November, 2003, the Board of County Commissioners reviewed a rezone request for the two parcels involved in this application. The applicant at that time was requesting to rezone the parcels to PCD (Planned Commercial Development) and was also requesting to remove the northern parcel (approximately 0.78 ± acres) from the Chase Grove PUD/DRI. The northern parcel is designated as Open Space within the Chase Grove PUD/DRI. The total open space/recreation area within the Chase Grove PUD/DRI represents approximately 33% of the development. The northern parcel represents approximately 0.6% of the development and therefore would not reduce the open space requirement below the minimum 25% if it were removed from the development.

Section 380.06(19) of the Florida State Statutes requires that any change to a previously approved DRI, which constitutes a substantial deviation, shall require the development to undergo further DRI review. In order to determine if removal of the northern parcel from the Chase Grove DRI would represent a substantial deviation, the applicant, in conjunction with the 2003 rezone request, filed a Notice of Proposed Change with the East Central Florida Regional Planning Council. The Regional Planning Council issued a letter indicating that removal of the northern parcel from the Chase Grove PUD/DRI would not result in a substantial deviation, nor would it cause new or increased impacts to regional resources or facilities when considered independently or cumulatively with prior project changes. Consequently, the Regional Planning Council determined that no additional review would be required (please refer to the enclosed letter from the East Central Regional Planning Council dated September 3, 2003).

Based on the above open space analysis and the previous evaluation by the East Central Regional Planning Council, it was determined that the current applicant would not be required to file a new Notice of Proposed Change for the removal of the northern parcel from Chase Grove PUD/DRI.

ZONING REQUEST

The current applicant, Pinecrest Development, intends to remove the northern parcel (approximately 0.78 ± acres) from the Chase Grove PUD/DRI and combine it with the abutting southern parcel (approximately 2.0 ± acres). Both of these properties are under the same ownership and together form the subject 2.78 ± acre site. The applicant is further requesting to change the zoning for the two parcels from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development) and a Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development). The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and PUD Planned Unit Development) as well as the requested zoning district of PUD (Planned Unit Development):

DISTRICT REGULATIONS	Existing Zoning (A-1/PUD)	Proposed Zoning (PUD)
Minimum Lot Size	43,560 square feet	1,927 square feet
Minimum House Size	N/A	1,200 square feet
Minimum Width at Building Line	150 feet	23.5 feet
Front Yard Setback	50 feet	20 feet
Side Yard Setback	10 feet	0 feet
(Street) Side Yard Setback	50 feet	25 feet
Rear Yard Setback	30 feet	10 feet
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Zoning District	Permitted Uses	Special Exception	Min. Lot Size
A-1/PUD (existing)	<p>Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.</p> <p>PUD – Open Space.</p>	<p>Special Exceptions such as cemeteries and mausoleums, kennels, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public & private schools (nursery through college), public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.</p>	1 acre
PUD (proposed)	Townhomes, home office and home occupations.	N/A	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

	(North)			
	LDR Single-Family <i>R-1A</i> (1,707 avg. s.f. homes)	City of Sanford Vacant	City of Sanford Vacant	
(West)	PD Vacant <i>PUD</i> <i>Approved for Single-Family</i>	LDR Agriculture/Open Space <i>A-1/PUD</i>	PD Vacant <i>PUD</i> <i>Approved for Commercial</i>	(East)
	PD Single-Family <i>PUD</i> (2,269 s.f. home)	PD Single-Family <i>PUD</i> (1,803 avg. s.f. homes)	PD Vacant <i>PUD</i>	
	(South)			

- * **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map number Sanford 539, there are no floodplain impacts associated with the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, the site contains no significant wetlands.

Endangered and Threatened Wildlife:

At this time there are no concerns relating to endangered and threatened wildlife. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3) (c), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has submitted an Application for Concurrency Review, which has been reviewed by Environmental Services and Traffic Engineering. Environmental Services has determined that Seminole County will be the water and sewer provider and that capacity is available subject to the execution of a utility agreement and payment of fees. Traffic Engineering has also determined that sufficient roadway capacity is available for the proposed development.

The following table depicts the impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (A-1/PUD)	Proposed Development*	Net Impact
Water (GPD)	700	8,040	7,340
Sewer (GPD)	600	7,200	6,600
Traffic (ADT)	19	141	122
Schools			
Elementary	1	3	2
Middle	0	1	1
High	0	1	1

* Proposed development is based on the proposed project consisting of 24 fee simple townhouse dwelling units.

Utilities:

The property is located in the Seminole County Water and Sewer Service Area. There is currently an 8-inch gravity sewer force main located within Lake Boulevard and an 8-inch water main located along the west side of Casa Verde Boulevard. There are no County owned reclaim water lines within the vicinity of the property. The City of Sanford however, owns an existing 14-inch reclaim water main that runs through the County's service area. The St. John River Water Management District requires new projects to connect to the closest reclaim water main regardless of municipality ownership. Consequently, the proposed project will be required to connect to this existing 14-inch, City of Sanford reclaimed water line which, is located along Lake Boulevard. A letter of capacity and intent from the City of Sanford will be required prior to approval of final engineering plans.

Transportation / Traffic:

The property accesses Casa Verde Boulevard, which is classified as a local road. Casa Verde Boulevard is currently operating at a level of service "A".

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 5 school age children. This subject site is currently zoned for, and will affect, the following schools:

Schools Impacted	Proposed Impact	Current Capacity	05/06 Enrollment	Percent Capacity
Northwest Cluster *	3	3955	4058	102.6%
Millennium Middle	1	1964	2090	106.4%
Seminole High	1	3404	3043	84.9%

* Northwest Cluster refers to Bentley, Idyllwilde, Wicklow and Wilson Elementary Schools.

Public Safety:

The nearest response unit to the subject property is Station # 38, which is located at 1300 Central Park Drive. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 3 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

Drainage:

The proposed project is located within the Lake Monroe drainage basin. There is limited outfall capacity for the subject property; therefore the storm water discharge from this development will be handled by on-site retention. Further detailed analysis will be conducted at the time of Final Engineering Review.

Parks, Recreation and Open Space:

Per the Land Development Code, 25 percent of the site or 0.70 ± acres is to be provided in open space. The applicant is proposing to provide 0.78 ± acres or 0.28 % of the site in open space. Staff is recommending a condition in the Development Order that will require the applicant to provide recreational facilities in the form of picnic tables and bar-b-que equipment located within a paved area accessible to the residents of the development.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant the running of the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is not located within a Special District.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

Policy FLU 2.5: Transitional Land Uses

Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications

Policy CON 1.8: Conservation Overlay District

Policy POT 4.5 Potable Water Connection

Policy SAN 4.4: Sanitary Sewer Connection

Policy PUB 2.1 Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notices were sent to the City of Sanford, the City of Lake Mary and the Seminole County School District on November 08, 2005. To date, no comments have been received.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received no letters of support or opposition

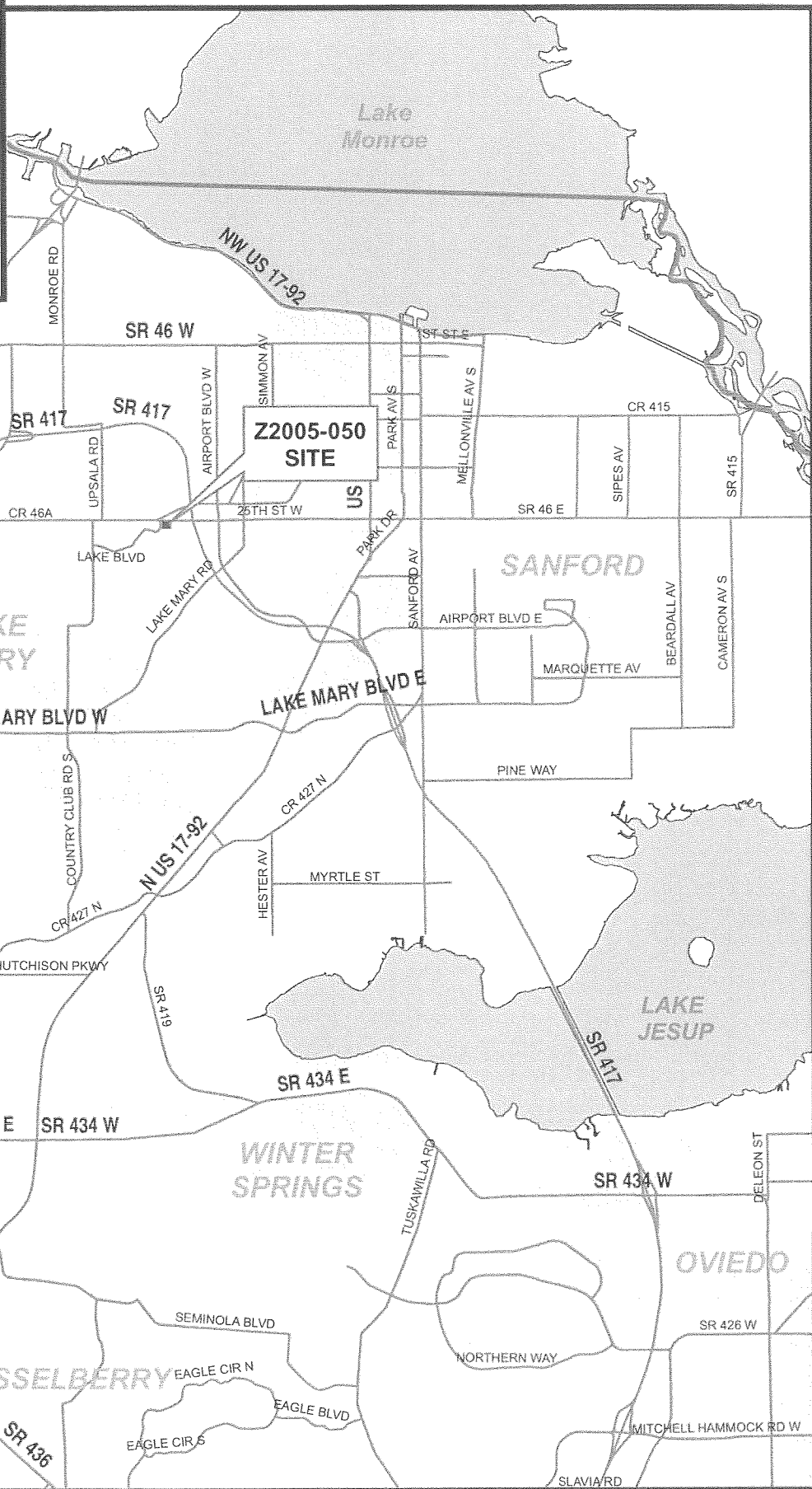
STAFF RECOMMENDATION:

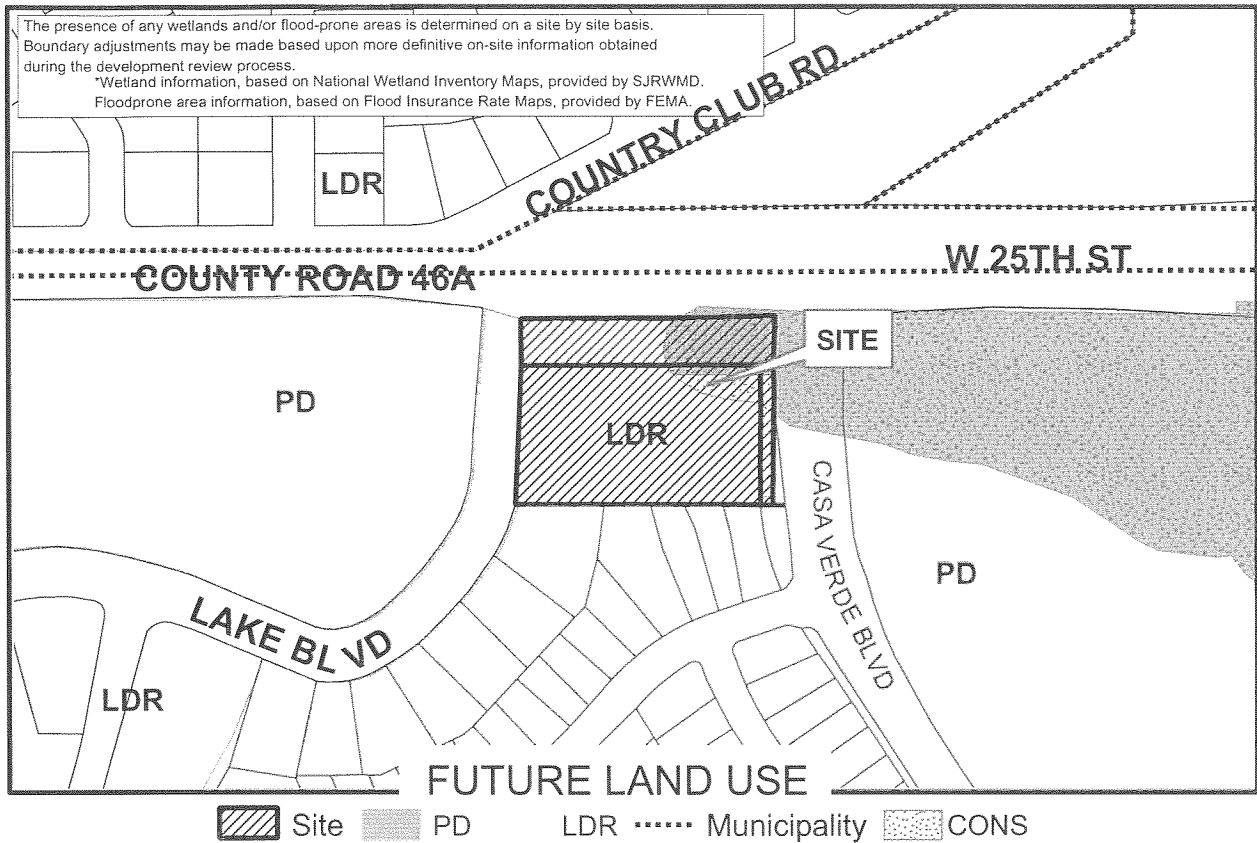
Staff recommends APPROVAL of the request to amend the Chase Groves PUD Master Plan and Third Amended and Restated Development Order; rezone approximately 2.78 ± acres, located on the south side of County Road 46 A between Lake Boulevard and Casa Verde Boulevard, from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development), and a Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development), subject to the following conditions:

- a. All townhouse units will be located on individual platted lots.
- b. Balconies shall be prohibited where abutting the southern boundaries of the development.
- c. Use of common areas shall be limited to open space and utility facilities serving all residents of the development.

- d. Density within the development shall be limited to ten (10) units per net buildable acre.
- e. Front walls of the townhouse units shall be staggered.
- f. No accessory buildings shall be allowed on individual townhouse lots.
- g. The developer shall provide a pedestrian sidewalk system which provides access throughout the development as well as connecting to existing sidewalks outside the development.
- h. The developer shall continue the existing pedestrian sidewalk along Lake Boulevard frontage to connect to the existing pedestrian sidewalk along County Road 46A.
- i. All landscape buffers, walls, fences and common areas shall be maintained by a homeowners association. Landscape plantings shall meet minimum code requirements according to the Seminole County Land Development Code.
- j. The developer shall install a six (6) foot high wooden stockade style fence along the southern boundary of the property. The fence shall extend from the Lake Boulevard property corner to the Case Verde Boulevard property corner. The existing fence may count toward this requirement provided it satisfies the above specifications. Wherever the existing fence does not meet these specifications, the developer shall be responsible to upgrade the fence or provide a similar fence on the subject property.
- k. The buffer along the southern property line shall consist of a four (4) canopy trees per 100 linear feet.
- l. The buffer along the northern and western property lines shall consist of four (4) canopy trees, four (4) understory trees per 100 linear feet.
- m. The developer shall preserve the existing canopy trees along the eastern buffer and augment them with four (4) understory trees per 100 linear feet. This landscape material shall be planted along the east side of the existing brick wall.
- n. All required canopy trees shall be three (3) inches in diameter as measured 1-foot above the ground at time of planting. Required understory trees shall be 8 to 10-feet tall with a 3 to 4-foot spread and a one and a half (1½) to two (2) inches in diameter at time of planting.
- o. The developer shall preserve the existing brick wall along the eastern buffer except for the entrance area for the proposed development. The developer shall provide a plan that depicts the proposed entrance design for the development to be reviewed and approved as part of the Final Master Plan process.
- p. The developer shall provide recreational facilities that include at minimum, two (2) picnic tables and two (2) pedestal mounted bar-b-que grills located within a paved area accessible to the residents of the development.
- q. Outdoor lighting shall consist of cutoff-shoebox style fixtures and shall be limited to 16-feet in height, and no more than 0.5 foot-candles in intensity at the property lines.
- r. Building height shall be limited to 35 feet. Height shall be measured from the mean elevation between roof ridge and eaves, as specified in the Land Development Code.
- s. Existing trees that are preserved during construction may satisfy applicable landscaping requirements where they are located in buffer areas.

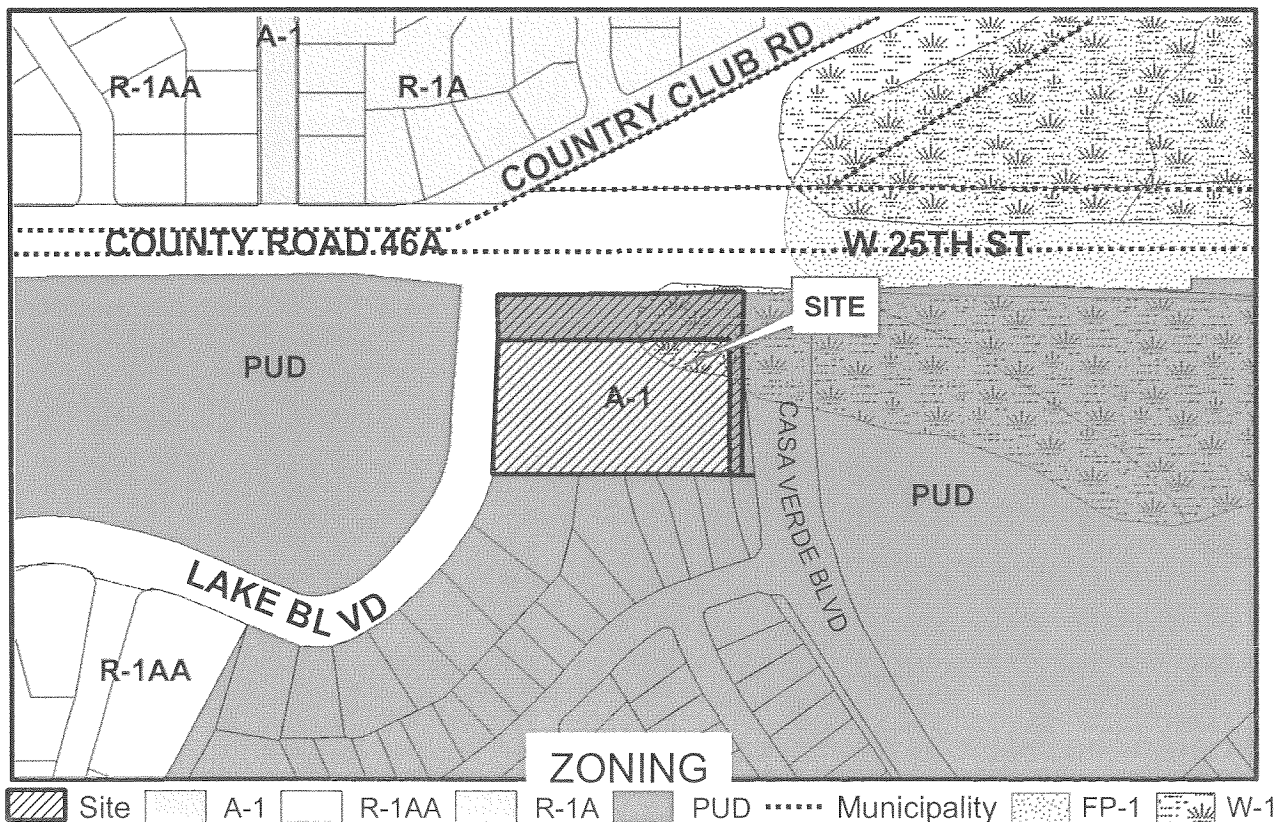
- t. A minimum of two (2) parking spaces per unit shall be provided on each platted lot. Storage of recreation vehicles, boats on trailers, or trailers of any kind must be accommodated off-site.
- u. Garages may not be converted to living space unless two (2) parking spaces remain on each platted lot after such conversion.
- v. Screened patios/porches will be subject to a two (2) foot setback from the rear lot line.
- w. Ingress/egress to the development shall be limited to Casa Verde Boulevard. The developments internal roadway shall meet the Seminole County Land Development Code subdivision standards for right-of-way width, pavement composition, and roadway design.

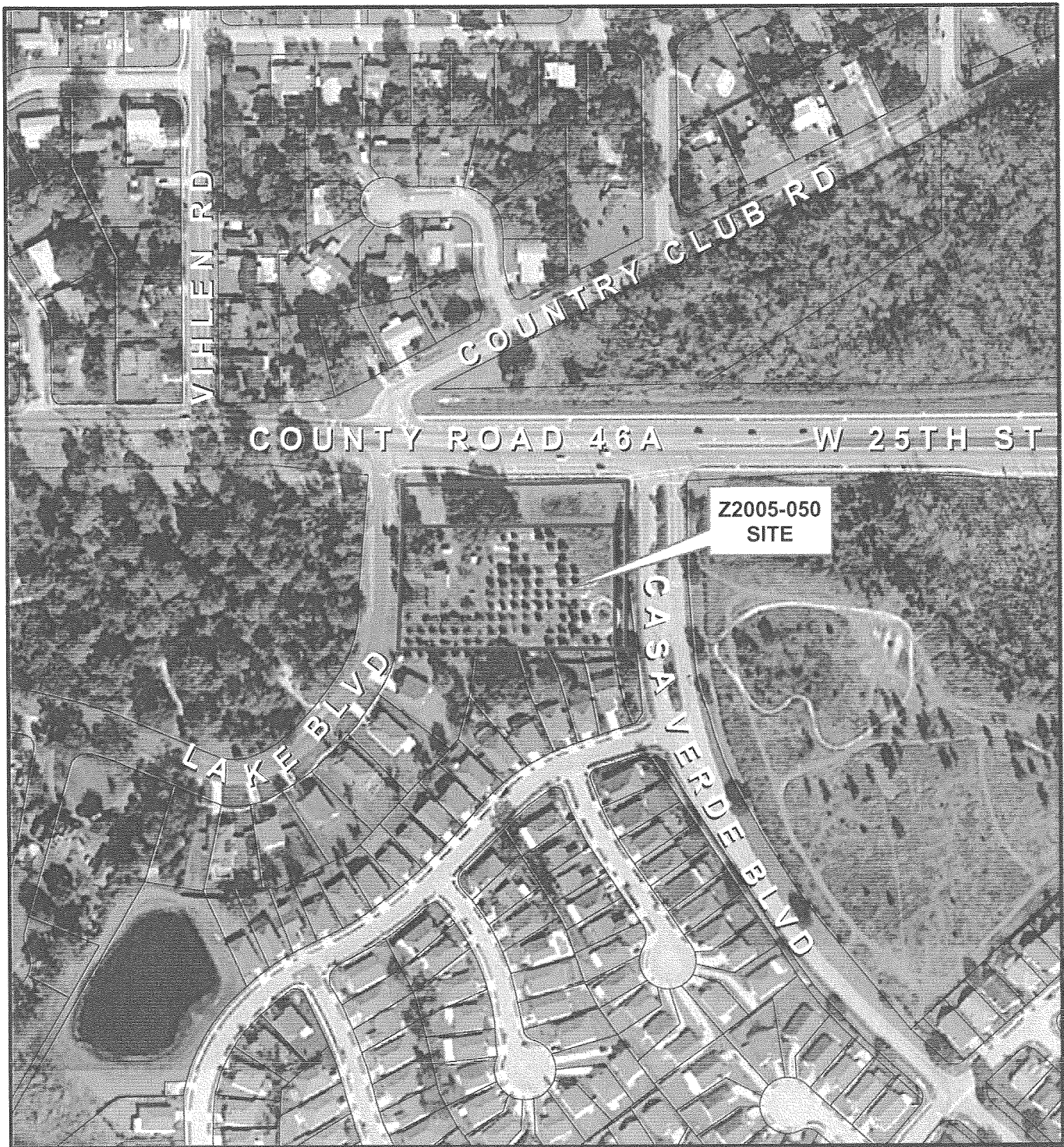




Applicant: Oren Gabbai, Pinecrest Development
 Physical STR: 03-20-30-300-0100-0000 and 501-0300-0000
 Gross Acres: 2.82 +/- BCC District: 5
 Existing Use: Single Family and PUD Under Development
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	08-05SS.01	LDR	MDR
Zoning	Z2005-050	PUD/A-1	PUD



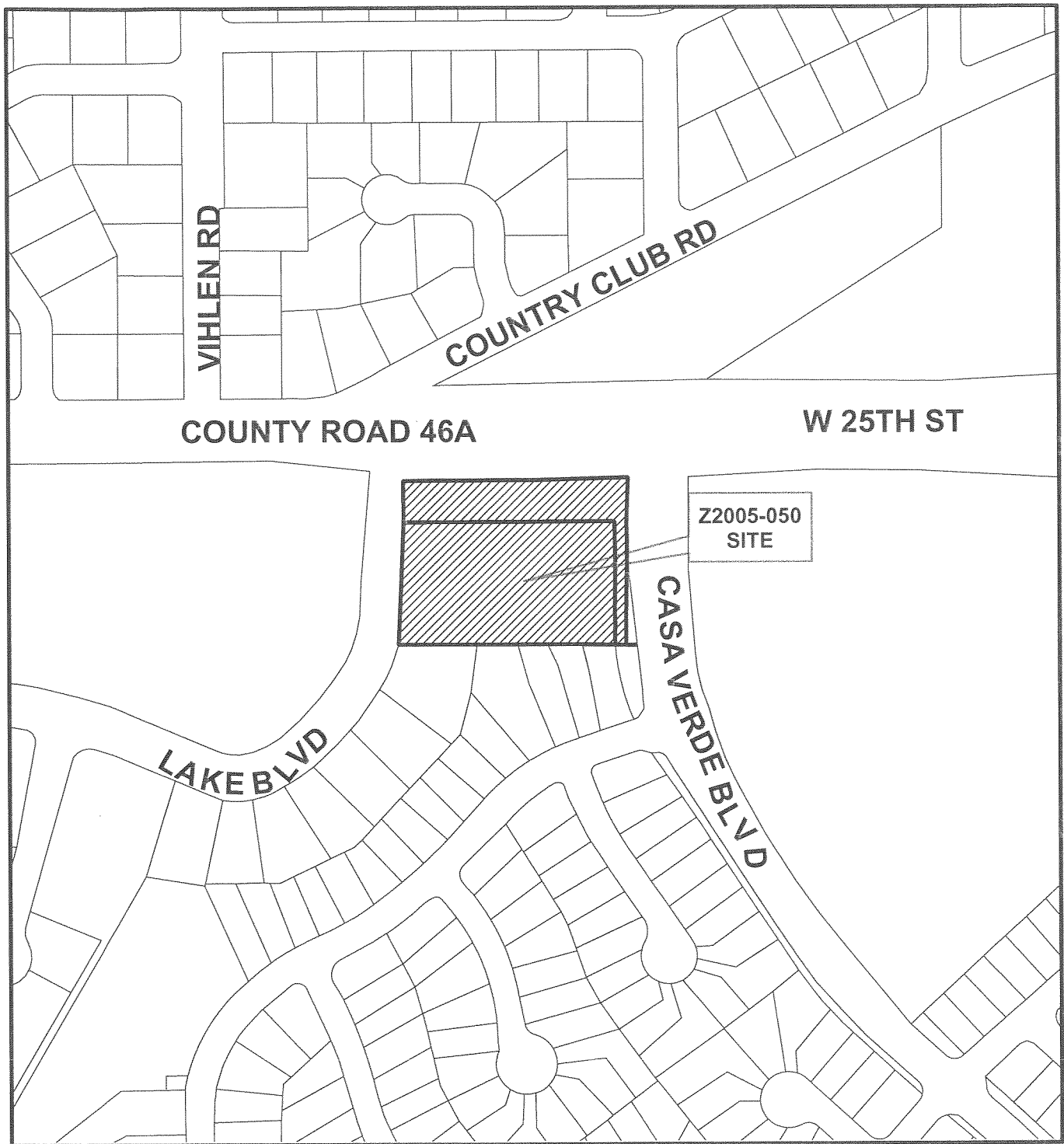


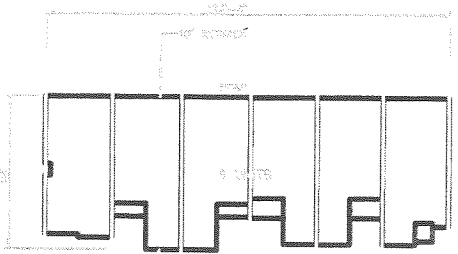
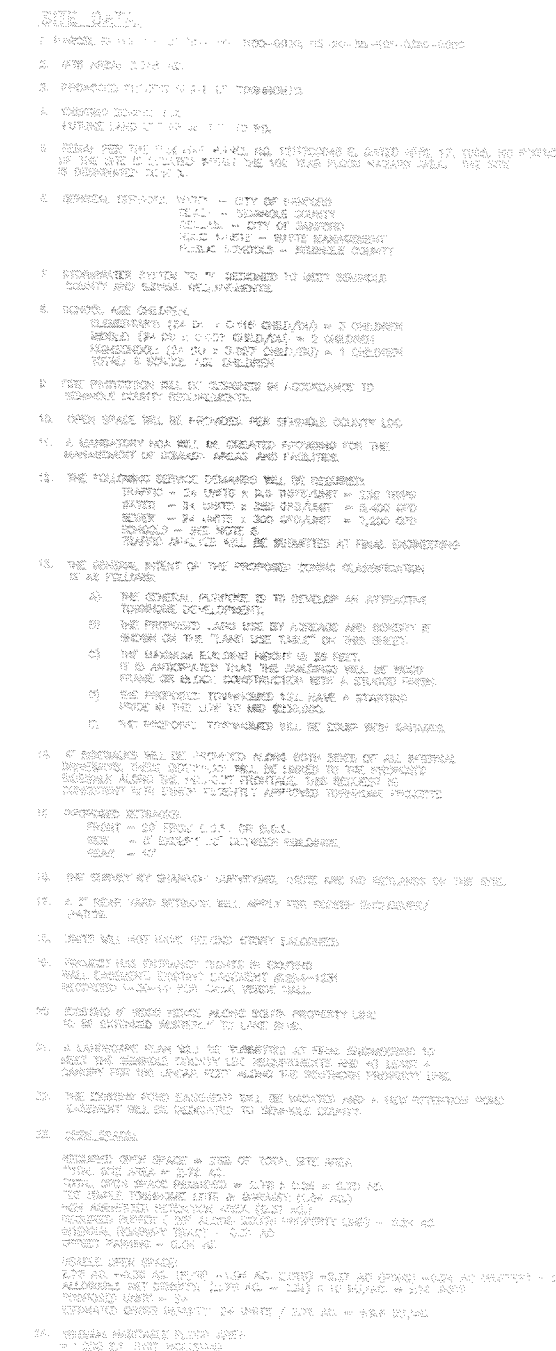
Rezone No: Z2005-050
 From: PUD/A-1 To: PUD

☐ Parcel
☐ Subject Property



January 2004 Color Aerials





JOB # _____
DATE: _____
SCALE: _____
DESIGNED BY: _____
DRAWN BY: _____
APPROVED BY: _____



September 27, 2005

Brian Nelson
Seminole County Planning Division
1101 East First Street
Sanford, Florida 32771

Re: Amendment to Development Order

Dear Brian:

As a follow up to our conversation, enclosed are the letters from Shutts and Bowen LLP to Mr. Tony Matthews regarding removing Parcel A (03-20-30-300-0100-000) from the Chase Grove PUD. As you can see a Notice of Proposed Change was submitted on July 22, 2003 and it was the opinion of Executive Director Sandra Glenn that "these proposed changes do not result in an automatic substantial deviation determination pursuant to the threshold criteria of section 380.06(19), Florida Statutes, nor is it expected that it will cause new or increased impacts to regional resources of facilities when considered independently of cumulatively with prior project changes. We therefore do not recommend that this proposal be submitted for additional regional review by this agency".

As with the previous proposed plan, our plan is not linked with the existing Chase Grove and there is no sharing of infrastructure such as stormwater, internally linked roadways or common irrigation system.

Furthermore, once we remove parcel A from the Chase Grove PUD thirty percent (30%) of the total area under the Final Master Plan remain designated usable open space, far exceeding the 25% required by Seminole County.

Given this information we believe that a Notice of Determination is not necessary in order to approve this project. Please advise us if any other consent or approval from the BCC is required in order for this project to proceed. If you have any questions, please give me a call at 407 402-9194.

Sincerely,

Oren Gabbai
Pinecrest Development

Cc Charlie Madden

*East Central Florida***REGIONAL
PLANNING
COUNCIL**

September 3, 2003

**Chairman/
Commissioner**
Randall Morris
Seminole County

Mr. Matt West
Seminole County Planning
1101 E. First Street
Sanford, FL 32771

Vice Chairman
Welfon G. Cadwell
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Lake County

Secretary/Treasurer
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counties.*

631 N. Wymore
Suite 100
Maitland, Florida
32751

Phone
407.623.1075
Fax 407.623.1084

Suncom 334.1075
Suncom Fax
334.1084

email: ecfrpc.org

RE: Chase Groves Notification of a Proposed Change (NOPC) - ECFRPC #5319

Dear Mr. West: *MAH*

We have reviewed the referenced NOPC dated July 22, 2003. It is our understanding that the only change proposed is to remove a 0.783 acre parcel from the DRI. This parcel was designated as open space on the Master Development Plan. The parcel will be combined with an adjacent 2.002 acre parcel for development as a commercial use. The request to remove the parcel from the DRI is so the applicant would not be required to file an annual report.

From the information provided, it is evident that the parcel was not slated for development and that it was open space. Therefore, no impacts were associated with its use. In addition, the commercial parcel proposed is not linked with the existing Chase Groves and there is no sharing of infrastructure such as stormwater, internally linked roadways or common irrigation system. Finally, there is no common marketing plan between the proposed commercial parcel and the DRI.

Given the above, it is apparent that the parcel is not inextricably linked to the remainder of the Chase Groves DRI and we have no objections to the deletion of the parcel from the DRI.

In conclusion, It is our opinion that these proposed changes do not result in an automatic substantial deviation determination pursuant to the threshold criteria of section 380.06(19), Florida Statutes, nor is it expected that it will cause new or increased impacts to regional resources or facilities when considered independently or cumulatively with prior project changes. We therefore do not recommend that this proposal be submitted for additional regional review by this agency.

If you have any questions, please give me or Fred Milch a call at 623-1075, extension 315.

Sincerely,



Sandra Glenn
Executive Director

c: Charles Hardwick, Applicant
Meredith Pickens, Shutts & Bowen
Marina Pennington, FDCA
Tony Mathews, Seminole County Planning Department

SHUTTS
&
BOWEN
LLP

ATTORNEYS AND COUNSELLORS AT LAW

JUL 22 2003

July 21, 2003

Via Federal Express

Mr. Fred Milch
East Central Florida Regional Planning Council
631 N. Wymore Road
Maitland, Florida 32751

RE: Notice of Proposed Change to Chase Groves DRI

Dear Fred:

Our firm represents Dr. Charles W. Hardwick, the owner of Parcel No.: 03-20-30-300-0300-000 ("Parcel A"), which is comprised of approximately .783 acres and is located in Seminole County. Enclosed please find a Notice of Proposed Change ("NOPC") to the Chase Groves DRI (the "DRI"), requesting the removal of Parcel A from the DRI. We are requesting the removal of "Parcel A" because Dr. Hardwick is a different property owner from the developer of the DRI. The removal of Parcel A is logical otherwise Dr. Hardwick would be required to submit annual reports to the governmental agencies and participate in a DRI of which he is only an owner of a small portion of the total DRI property. For the above reasons, we respectfully request that Parcel A be removed from the DRI.

Enclosed please find three (3) copies of the following documents for your review and distribution:

1. Fee Agreement along with a check in the amount of Two Thousand Five Hundred and No/100 Dollars (\$2,500.00) made payable to the East Central Florida Regional Planning Council.
2. Notice of Proposed Change to Chase Groves DRI.
3. Agent Authorization Letter from Dr. Charles W. Hardwick.

By separate cover letter, we have sent copies of the foregoing documents to Seminole County and the Department of Community Affairs for concurrent review.

July 21, 2003

Page 2

Please contact me should you have any questions or require any additional information regarding the proposed NOPC.

Very truly yours,

A handwritten signature in black ink, appearing to read 'M. Pickens', with a long, sweeping horizontal line extending to the right.

Meredith H. Pickens

Enclosures:

cc: Heather M. Kowalski, Esq. (without enclosure)
Dr. Charles W. Hardwick (with enclosure via regular mail)
Charlie Madden, Madden Engineering (with enclosures via regular mail)

ADDENDUM NO. 6
DEVELOPERS COMMITMENT AGREEMENT
CHASE GROVES PUD

The Developers Commitment Agreement, dated September 13, 1988, is hereby amended to read:

I. Legal Description

Parcel "A" is hereby removed from the Chase Groves PUD (as more thoroughly described in Addendum Number 5, Developers Commitment Agreement approved by the Board of County Commissioners on November 22, 1994). The legal description of Parcel "A" is attached as Exhibit "A". The updated legal description of Chase Groves with Parcel "A" removed is attached as Exhibit "C" and shall replace the existing legal description set forth in the Chase Groves PUD, dated September 13, 1988.

II. Statement of Basic Facts

Total Acreage	416.5 415.72 ± acres
Total Dwelling Units	1,185 units
Gross Density	2.84 2.85 dwelling units per acre

III. <u>Land Use</u>	<u>Acres</u>	<u>Units</u>	<u>Net Density</u>
Residential	240.1 ± acres	1,185	4.94 4.95
Commercial/Office	27.3 ± acres		
Open Space/Recreation	140.1 139.32 ± acres		
Roads	<u>9.0 ± acres</u>		
	416.5 415.72 ± acres		

IV. Miscellaneous Conditions

- A. The developer of Parcel "A" shall preserve the existing brick wall along the parcels eastern property line. The wall shall remain intact except for an opening to be created by the developer to allow for ingress/egress into the development.
- B. The developer of Parcel "A" shall preserve the existing canopy trees along the parcels eastern property line.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
CARLTON D. HENLEY, CHAIRMAN

EXHIBIT "A"

(LEGAL DESCRIPTION OF PROPERTY BEING REMOVED FROM DRI)

PARCEL ID NO.: 03-20-30-300-0100-0000

THAT PART OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 30 EAST, AND RUN S 00E13'45" E ALONG THE EAST LINE OF SAID NORTHWEST 1/4 FOR A DISTANCE OF 120.00 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3122, PAGE 1138, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING ON THE WESTERLY LINE OF CASA VERDE BOULEVARD AND THE POINT OF BEGINNING; THENCE CONTINUE S 00E13'45" E ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 150.82 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1188.16 FEET AND A CENTRAL ANGLE OF 07E38'05"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 158.33 FEET TO THE NORTHEAST CORNER OF TRACT AA, CHASE GROVES UNIT 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGES 24 THROUGH 28, OF SAID PUBLIC RECORDS; THENCE RUN N 89E57'49" W ALONG THE NORTH LINE OF SAID TRACT AA AND THE NORTH LINE OF CHASE GROVES UNIT 3, AS RECORDED IN PLAT BOOK 57, PAGES 48 AND 49, OF SAID PUBLIC RECORDS FOR A DISTANCE OF 20.08 FEET; THENCE RUN N 00E02'52" E ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2658, PAGE 926, OF SAID PUBLIC RECORDS AND THE SOUTHERLY PROLONGATION THEREOF FOR A DISTANCE OF 228.55 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE RUN N 89E57'08" W ALONG THE NORTH LINE OF SAID LANDS FOR A DISTANCE OF 385.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE RUN N 00E02'52" E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LAKE BOULEVARD SOUTH (AN 80' WIDE RIGHT-OF-WAY) FOR A DISTANCE OF 80.00 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID OFFICIAL RECORDS BOOK 3122, PAGE 1138; THENCE RUN S 89E57'49" E ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 3122, PAGE 1138, FOR A DISTANCE OF 393.06 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

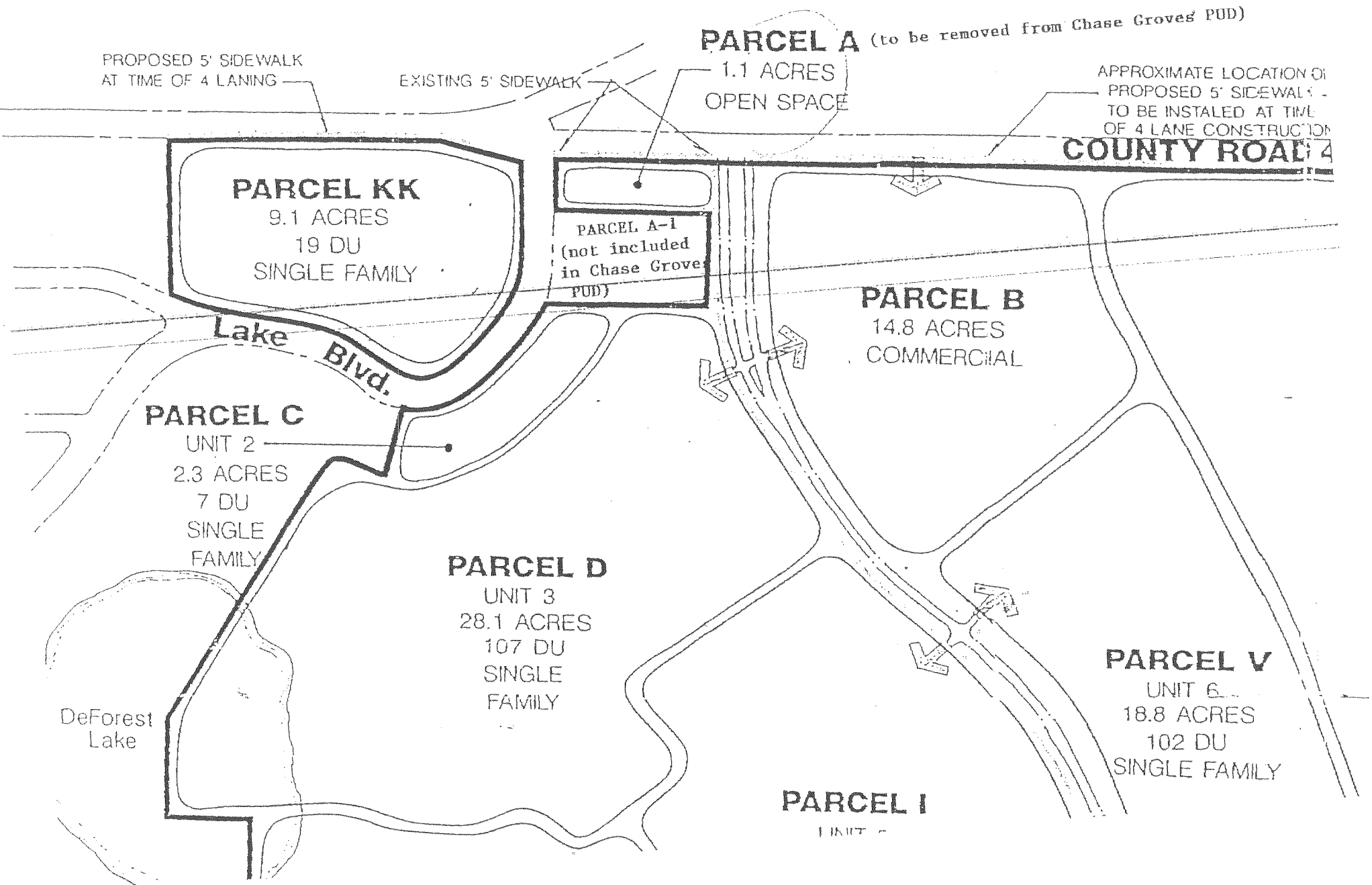


EXHIBIT "C"

LEGAL DESCRIPTION OF CHASE GROVES

(This legal description reflects the removal of parcel #03-20-30-300-0100-0000)

PARCEL A

Block 2, BELAIRE, as recorded in Plat Book 6, Page 46, of the Public Records of Seminole County, Florida.

LESS:

Begin at the Northeast corner of said Block 2; thence run S.00°02'52".W along the East line of said Block 2 for a distance of 20.00 feet; thence run N.84°18'01".W for a distance of 200.98 feet to a point on the North line of said Block 2, said point being 200.00 feet Westerly of the aforementioned Northeast corner of Block 2; thence run N.89°59'19".E along said North line for a distance of 200.00 feet to the Point of Beginning.

Subject to any rights-of-way and easements of record.

PARCEL B

That part of Section 3, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 3, thence run N.89°50'20".W along the North line of the Northeast ¼ of said Section 3 for a distance of 40.00 feet to a point on the Northerly prolongation of the Westerly Right-of-Way line of Airport Boulevard (80' right-of-way), thence run S.00°03'51".E along said line for a distance of 514.35 feet to the southeast corner of lands described in Official Record Book 1231, Page 1698 of the Public Records of Seminole County, Florida, said corner being the POINT OF BEGINNING.

Thence continue S.00°03'51".E along the aforementioned Westerly Right-of-Way line of Airport Boulevard for a distance of 1057.48 feet to a point of curvature of a curve concave Easterly having a radius of 1949.36 feet; thence run Southerly along the arc of said curve and said Westerly Right-of-Way line through a central angle of 11°37'32" for a distance of 395.63 feet to a point on the East line of the Northeast ¼ of the aforementioned Section 3, thence run S.00°03'51".E along the East line of said Northeast ¼ for a distance of 668.69 feet to a point on the Westerly Right-of-Way line of Lake Mary Road (50' right-of-way); thence run S.52°28'50".W along said right-of-way for a distance of 353.99 feet to a point of curvature of a curve concave Southeasterly having a radius of 5033.80 feet; thence run Southwesterly along the arc of said curve and said Westerly Right-of-Way line through a central angle of 11°47'10" for a distance of 1035.49 feet; thence run S.40°41'39".W along said Westerly Right-of-Way line for a distance of 921.39 feet to a point of curvature of a curve concave Southeasterly having a

radius of 5944.38 feet; thence run Southwesterly along the arc of said curve and said Westerly Right-of-Way line for a distance of 118.36 feet to a point on the South line of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the aforementioned Section 3; thence run N.89°49'28".W along said South line for a distance of 918.35 feet to the Southeast corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3, thence run N.89°32'31".W along the South line of said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ for a distance of 400.00 feet to a point on the West line of the West 400.00 feet of said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; thence run N.00°19'37".E along said West line for a distance of 162.44 feet to a point on the South line of the North 1149.50 feet of said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; thence run S.89°44'36".W along said South line for a distance of 895.78 feet to a point on the East line of LOCH ARBOR, ISLE OF PINES, Section Two, as recorded in Plat Book 8, Page 63 of the Public Records of Seminole County, Florida; thence run N.00°13'41".W along said East line for a distance of 1149.50 feet to a point on the South line of the West 210.00 feet of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the aforementioned Section 3; thence run N.89°44'36".E along said South line for a distance of 193.28 feet to the Southeast corner thereof; thence run N.00°03'54".E along the East line of said West 210.00 feet of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ for a distance of 1335.51 feet to the Northeast corner thereof, thence run S.89°26'51".W along the North line of said West 210.00 feet of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ for a distance of 210.01 feet to the Northwest corner thereof, thence run N.00°03'54".E along the West line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 3, for a distance of 209.31 feet; thence run N.29°16'46".E along the Westerly line of lands described in Official Record Book 1056, Page 676 of the Public Records of Seminole County, Florida for a distance of 979.82 feet to a point on a curve concave Northerly having a radius of 199.79 feet and a chord bearing of N.85°05'36".E; thence run Northeasterly along the arc of said curve and the Southerly Right-of-Way line of Lake Boulevard (80' right-of-way) through a central angle of 82°02'57" for a distance of 286.11 feet; thence run N.44°04'07".E along said Southerly Right-of-Way line for a distance of 140.69 feet to a point of curvature of a curve concave Northwesterly having a radius of 280.00 feet; thence run Northeasterly along the arc of said curve and said Southerly line through a central angle of 22°41'07" for a distance of 110.86 feet; thence run S.°89'57"49.E along the aforementioned Westerly line of Official Record Book 1056, Page 676 for a distance of 406.24 feet; thence run N.00°31'20".W along said Westerly line for a distance of 225.00 feet; thence run N.89°57'49".W along said Westerly line for a distance of 385.00 feet to a point on the Easterly Right-of-Way line of said Lake Boulevard; thence run N.00°02'52".E along said Easterly Right-of-Way line for a distance of 123.63 feet to a point on the South Right-of-Way line of 25th Street; thence run S.89°57'49".E along said South Right-of-Way line for a distance of 392.86 feet; thence run S.89°50'20".E along said South Right-of-Way line for a distance of 2188.25 feet to the Northwest corner of lands described in Official Record Book 1257, Page 794 of the Public Records of Seminole County, Florida; thence S.00°08'01".E along the Westerly line of said Official Record Book 1257, Page 794 of the Public Records of Seminole County, Florida; thence S.00°08'01".E. along the westerly line of said Official Records Book 1257, Page 794 for a distance of 127.17 feet; thence run S.27°57'23".E along said Westerly line for a distance of 143.95 feet; thence run S.56°44'30".E along said Westerly line and the Southerly line of the aforementioned Official Record Book 1231, Page 1698 for a distance of 200.75 feet; thence run

S.66°42'39".E along said Southerly line for a distance of 179.72 feet to the POINT OF BEGINNING.

LESS

The South 943.50 feet of the North 1029.50 feet of the West 142.00 feet of the Northwest ¼ of the Southeast ¼;

AND

The South 943.50 feet of the North 1029.50 feet of the Northeast ¼ of the Southwest ¼;

AND

The South 120.00 feet of the North 1149.5 feet of the Northeast ¼ of the Southwest ¼, less the East 400.00 feet thereof;

All lying in Section 3, Township 20 South, Range 30 East and lying East of LOCH ARBOR, ISLE OF PINES, Section Two, as recorded in Plat Book 8, Page 63 of the Public Records of Seminole County, Florida.

Subject to any rights-of-way and easements of record.

PARCEL C

That part of Section 3, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the East ¼ corner of said Section 3; thence run S.00°01'22".E along the East line of the Southeast ¼ of said Section 3 for a distance of 1310.86 feet to the Southeast corner of the North ½ of the Southeast ¼ of said Section 3; thence run N.89°49'28".W along the North line of said South ½ of the Southeast ¼ for a distance of 1472.77 feet to a point on the Westerly Right-of-Way line of Seaboard Coast Line Railroad, said point also being the POINT OF BEGINNING;

Thence continue N.89°49'28".W along the aforementioned North line of the South ½ of the Southeast ¼ for a distance of 110.34 feet to a point on a curve concave Southeasterly having a radius of 5847.10 feet and a chord bearing of S.37°23'38".W; thence run Southwesterly along the arc of said curve through a central angle of 05°53'34" for a distance of 601.36 feet; thence run S.34°26'51".W for a distance of 160.20 feet to a point on the aforementioned Westerly Right-of-Way line of Seaboard Coast Line Railroad; thence run S.42°53'19".W along said Westerly Right-of-Way line for a distance of 485.25 feet to a point on a curve concave Northwesterly having a radius of 4743.27 feet and a chord bearing of N.37°19'40".E, said point lying on the Easterly Right-of-Way line of Lake Mary Road (50' right-of-way); thence run Northeasterly along the arc of said curve and said Easterly Right-of-Way line through a central angle of 05°45'37" for a

distance of 476.88 feet; thence run N.34°26'51".E along said Easterly Right-of-Way line for a distance of 164.12 feet to a point of curvature of a curve concave Southeasterly having a radius of 5894.38 feet; thence run Northeasterly along the arc of said curve through a central angle of 06°14'48" and said Easterly Right-of-Way line for a distance of 642.63 feet; thence run N.40°41'39".E along said Easterly Right-of-Way line for a distance of 921.39 feet to a point of curvature of a curve concave Southeasterly have a radius of 4983.80 feet; thence run along the arc of said curve and said Easterly Right-of-Way line through a central angle of 11°47'10" for a distance of 1025.21 feet; thence run N.52°28'50".E along said Easterly Right-of-Way line for a distance of 189.72 feet to a point on a line that lies 100.00 feet East and parallel with the East line of the Northeast ¼ of the aforementioned Section 3, thence run S.00°03'51".E along said line for a distance of 99.01 feet to a point on the aforementioned Westerly Right-of-Way line of Seaboard Coast Line Railroad; thence run S.42°53'19".W along said Westerly Right-of-Way line for a distance of 2016.02 feet to the POINT OF BEGINNING.

Subject to any rights-of-way and easements of record.

PARCEL D

That part of Sections 3 and 10, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the East ¼ corner of said Section 3; thence run S.00°01'22".E along East line of the Southeast ¼ of said Section 3 for a distance of 1371.86 feet to a point on the South line of the North 61.00 feet of the South ½ of the Southeast ¼ of said Section 3, said point being the POINT OF BEGINNING.

Thence continues S.00°01'22".E along said East line of the Southeast ¼ for a distance of 853.82 feet to a point on the Northerly line of Hidden Lake, Phase II, Unit IV, as recorded in Plat Book 25, Pages 66 and 67 of the Public Records of Seminole County, Florida; thence run S.59°58'38".W along the Northerly line of said Hidden Lake, Phase II, Unit IV for a distance of 790.60 feet to the North line of Hidden Lake, Phase II, Unit III as recorded in Plat Book 25, Pages 64 and 65 of the Public Records of Seminole County, Florida; thence run N.89°57'30".W along the North line of said Hidden Lake, Phase II, Unit III and the North line of Hidden Lake Phase II, Unit I, as recorded in Plat Book 24, Pages 15 through 17 of the Public Records of Seminole County, Florida, for a distance of 1233.82 feet to the Northwest corner of said Hidden Lake Phase II, Unit I; thence run S.29°54'53".E along the Westerly line of said Hidden Lake Phase II, Unit I, for a distance of 601.56 feet to the Northeasterly corner of Ramblewood as recorded in Plat Book 23, Pages 7 and 8 of the Public Records of Seminole County, Florida; thence run S.60°06'21".W along the Northerly line of said Ramblewood for a distance of 1056.12 feet to the Northwesterly corner thereof; thence run S.89°56'37".W for a distance of 866.14 feet to a point on a curve concave Southeasterly having a radius of 1617.02 feet and a chord bearing of N.30°36'57".E, said point being on the Easterly Right-of-Way line of the Seaboard Coast Line Railroad; thence run Northeasterly along the arc of said curve and said Easterly Right-of-Way line through a central angle of

24°32'43" for a distance of 692.73 feet; thence run N.42°53'19".E along said Easterly Right-of-Way line for a distance of 1466.77 feet; thence run S.83°42'28".E along said Easterly Right-of-Way line for a distance of 12.46 feet; thence run N.42°53'19".E along said Easterly Right-of-Way line for a distance of 868.93 feet to a point on the aforementioned South line of the North 61.00 feet of the South ½ of the Southeast ¼ of Section 3; thence run S.89°49'28".E along said South line for a distance of 1447.64 feet to the POINT OF BEGINNING.

Subject to any rights-of-way and easements of record.

PARCEL E – S.O. Chase Parcel

The South 943.50 feet of the North 1029.50 feet of the West 142.00 feet of the Northwest ¼ of the Southeast ¼;

AND

The South 943.50 feet of the North 1029.50 feet of the Northeast ¼ of the Southwest ¼;

AND

The South 120.00 feet of the North 1149.5 feet of the Northeast ¼ of the Southwest ¼, less the East 400.00 feet thereof;

All lying in Section 3, Township 20 South, Range 30 East and lying East of LOCH ARBOR, ISLE OF PINES, Section Two, as recorded in Plat Book 8, Page 63 of the Public Records of Seminole County, Florida.

Subject to any rights-of-way and easements of record.

LESS:

That part of Section 3, Township 20 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Northeast corner of the Northwest ¼ of Section 3, Township 20 South, Range 30 East, and run S. 00°13'45" E. along the East line of said Northwest ¼ for a distance of 120.00 feet to the Southeast corner of lands described in Official Records Book 3122, Page 1138, of the Public Records of Seminole County, Florida, being on the Westerly line of Casa Verde Boulevard and the POINT OF BEGINNING; thence continue S. 00°13'45" E. along said right-of-way line for a distance of 150.82 feet to the point of curvature of a curve concave Northeasterly having a radius of 1188.16 feet and a central angle of 07°38'05"; thence run Southeasterly along the arc of said curve and said right-of-way line for a distance of 158.33 feet to the Northeast corner of Tract AA, CHASE GROVES UNIT 1, according to the Plat thereof, as recorded in Plat Book 44, Pages 24 through 28, of the Public Records; thence run N. 89°57'49" W. along the North

line of said Tract AA and the North line of CHASE GROVES UNIT 3, as recorded in Plat Book 57, Pages 48 and 49, of said Public Records for a distance of 20.08 feet; thence run N. 00°02'52" E. along the East line of lands described in Official Records Book 2658, Page 926, of said Public Records and the Southerly prolongation thereof for a distance of 228.55 feet to the Northeast corner of said lands; thence run N. 89°57'08" W. along the North line of said lands for a distance of 385.00 feet to the Northwest corner thereof; thence run N. 00°02'52" E. along the Easterly right-of-way line of Lake Boulevard South (an 80' wide right-of-way) for a distance of 80.00 feet to the Southwest corner of the aforesaid Official Records Book 3122, Page 1138; thence run S. 89°57'49" E. along the South line of said Official Records Book 3122, Page 1138, for a distance of 393.06 feet to the POINT OF BEGINNING.

FILE # Z2005-050

DEVELOPMENT ORDER # 5-22000008

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On January 24, 2006, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: CHARLES and BERNADETTE HARDWICK

Project Name: CASA VERDE TOWNHOMES

Requested Development Approval: Amending the Chase Groves PUD Master Plan; Rezoning from A-1 (Agriculture) and PUD (Planned Unit Development) zoning classifications to PUD (Planned Unit Development) zoning classifications; and Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Brian Nelson
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. All townhouse units will be located on individual platted lots.
- b. Balconies shall be prohibited where abutting the southern boundaries of the development.
- c. Use of common areas shall be limited to open space and utility facilities serving all residents of the development.
- d. Density within the development shall be limited to ten (10) units per net buildable acre.
- e. Front walls of the townhouse units shall be staggered.
- f. No accessory buildings shall be allowed on individual townhouse lots.
- g. The developer shall provide a pedestrian sidewalk system which provides access throughout the development as well as connecting to existing sidewalks outside the development.
- h. The developer shall continue the existing pedestrian sidewalk along Lake Boulevard frontage to connect to the existing pedestrian sidewalk along County Road 46A.
- i. All landscape buffers, walls, fences and common areas shall be maintained by a homeowners association. Landscape plantings shall meet minimum code requirements according to the Seminole County Land Development Code.
- j. The developer shall install a six (6) foot high wooden stockade style fence along the southern boundary of the property. The fence shall extend from the Lake Boulevard property corner to the Case Verde Boulevard property corner. The existing fence may count toward this requirement provided it satisfies the above specifications. Wherever the existing fence does not meet these specifications, the developer shall be responsible to upgrade the fence or provide a similar fence on the subject property.
- k. The buffer along the southern property line shall consist of a four (4) canopy trees per 100 linear feet.
- l. The buffer along the northern and western property lines shall consist of four (4) canopy trees, four (4) understory trees per 100 linear feet.
- m. The developer shall preserve the existing canopy trees along the eastern buffer and augment them with four (4) understory trees per 100 linear feet. This landscape material shall be planted along the east side of the existing brick wall.

- n. All required canopy trees shall be three (3) inches in diameter as measured 1-foot above the ground at time of planting. Required understory trees shall be 8 to 10-feet tall with a 3 to 4-foot spread and a one and a half (1½) to two (2) inches in diameter at time of planting.
- o. The developer shall preserve the existing brick wall along the eastern buffer except for the entrance area for the proposed development. The developer shall provide a plan that depicts the proposed entrance design for the development to be reviewed and approved as part of the Final Master Plan process.
- p. The developer shall provide recreational facilities that include at minimum, two (2) picnic tables and two (2) pedestal mounted bar-b-que grills located within a paved area accessible to the residents of the development.
- q. Outdoor lighting shall consist of cutoff-shoebox style fixtures and shall be limited to 16-feet in height, and no more than 0.5 foot-candles in intensity at the property lines.
- r. Building height shall be limited to 35 feet. Height shall be measured from the mean elevation between roof ridge and eaves, as specified in the Land Development Code.
- s. Existing trees that are preserved during construction may satisfy applicable landscaping requirements where they are located in buffer areas.
- t. A minimum of two (2) parking spaces per unit shall be provided on each platted lot. Storage of recreation vehicles, boats on trailers, or trailers of any kind must be accommodated off-site.
- u. Garages may not be converted to living space unless two (2) parking spaces remain on each platted lot after such conversion.
- v. Screened patios/porches will be subject to a two (2) foot setback from the rear lot line.
- w. Ingress/egress to the development shall be limited to Casa Verde Boulevard. The developments internal roadway shall meet the Seminole County Land Development Code subdivision standards for right-of-way width, pavement composition, and roadway design.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

(6) This Development Order shall control in the event of any conflict between the terms and conditions of the development order and the terms, conditions, or notes of any site plan or master site plan.

Done and Ordered on the date first written above.

By: _____
Carlton D. Henley
Chairman
Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Charles and Bernadette Hardwick, on behalf of themselves and their heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Charles and Bernadette Hardwick,
Property Owner

Witness

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Insert Name who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) and PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION TO PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled Casa Verde Townhomes, dated January 24, 2006.

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development):

SEE ATTACHED EXHIBIT A

Section 3. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 4. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # in the Official Land Records of Seminole County.

ENACTED this 24th day of January 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND
USE DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

Appendix "A"

- (b) The associated rezoning request was completed by means of Ordinance Number 06- .
- (c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

- (a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the

EXHIBIT "A"

(LEGAL DESCRIPTION OF PROPERTY BEING REMOVED FROM DRI)

PARCEL ID NO.: 03-20-30-300-0100-0000

THAT PART OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 30 EAST, AND RUN S 00E13'45" E ALONG THE EAST LINE OF SAID NORTHWEST 1/4 FOR A DISTANCE OF 120.00 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3122, PAGE 1138, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING ON THE WESTERLY LINE OF CASA VERDE BOULEVARD AND THE POINT OF BEGINNING; THENCE CONTINUE S 00E13'45" E ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 150.82 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1188.16 FEET AND A CENTRAL ANGLE OF 07E38'05"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 158.33 FEET TO THE NORTHEAST CORNER OF TRACT AA, CHASE GROVES UNIT 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGES 24 THROUGH 28, OF SAID PUBLIC RECORDS; THENCE RUN N 89E57'49" W ALONG THE NORTH LINE OF SAID TRACT AA AND THE NORTH LINE OF CHASE GROVES UNIT 3, AS RECORDED IN PLAT BOOK 57, PAGES 48 AND 49, OF SAID PUBLIC RECORDS FOR A DISTANCE OF 20.08 FEET; THENCE RUN N 00E02'52" E ALONG THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2658, PAGE 926, OF SAID PUBLIC RECORDS AND THE SOUTHERLY PROLONGATION THEREOF FOR A DISTANCE OF 228.55 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE RUN N 89E57'08" W ALONG THE NORTH LINE OF SAID LANDS FOR A DISTANCE OF 385.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE RUN N 00E02'52" E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LAKE BOULEVARD SOUTH (AN 80' WIDE RIGHT-OF-WAY) FOR A DISTANCE OF 80.00 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID OFFICIAL RECORDS BOOK 3122, PAGE 1138; THENCE RUN S 89E57'49" E ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 3122, PAGE 1138, FOR A DISTANCE OF 393.06 FEET TO THE POINT OF BEGINNING.

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM LDR (LOW DENSITY RESIDENTIAL) TO PD (PLANNED DEVELOPMENT); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 91-13 which adopted the 1991 Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

WHEREAS, the Board of County commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on December 13, 2005, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on January 24, 2006, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND
USE DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

Appendix "A"

- (b) The associated rezoning request was completed by means of Ordinance Number 06- .
- (c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

- (a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the

Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State and the Florida Department of Community Affairs by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the plan amendment set forth herein shall be thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the

Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this day of , 2006.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____

Carlton D. Henley, Chairman

EXHIBIT "A"

(LEGAL DESCRIPTION OF PROPERTY BEING REMOVED FROM DRI)

PARCEL ID NO.: 03-20-30-300-0100-0000

THAT PART OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

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